

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOHN DOE, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as  
President of the United States, *et al.*,

Defendants.

No. 2:17-cv-00178 (JLR)

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND DEADLINE  
FOR SUBMITTING JOINT STATUS  
REPORT**

Noted for Consideration:  
June 22, 2017

Pursuant to the May 30, 2017, Stipulation and Order to Stay Proceedings, Dkt. # 34, Plaintiffs and Defendants, through their respective undersigned counsel, hereby stipulate and agree as follows:

1. Plaintiffs challenge Executive Order 13,780, titled "Protecting the Nation from Foreign Terrorist Entry into the United States." *See* 82 Fed. Reg. 13,209 (Mar. 6, 2017). Plaintiffs have filed a Second Amended Class Action Complaint for Declaratory and Injunctive Relief contesting the legality of the Executive Order, Dkt. # 30, as well as a Motion for Class Certification, Dkt. # 19.

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STATUS REPORT  
(2:17-cv-00178-JLR) - 1

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2. On May 17, 2017, and May 22, 2017, respectively, the Court entered orders staying the proceedings in *Washington v. Trump*, No. 17-141JLR (W.D. Wash.), Dkt. # 189, and *Ali v. Trump*, No. 17-135JLR (W.D. Wash.), Dkt. # 95, pending resolution of the appeal in *Hawaii v. Trump*, No. 17-15589 (9th Cir.).

3. In light of the Court's orders staying proceedings in *Washington* and *Ali*, Plaintiffs and Defendants stipulated to a similar stay in this case. Pursuant to the parties' stipulation, on May 30, 2017, the Court entered an Order staying all proceedings in this case pending the Ninth Circuit's resolution of the appeal in *Hawaii*. See Stipulation and Order to Stay Proceedings, Dkt. # 34. The Court further ordered the parties to file a joint status report within ten days of the Ninth Circuit's ruling in *Hawaii* so that the Court could evaluate the continued appropriateness of a stay at that time.

4. On June 12, 2017, the Ninth Circuit issued its decision in *Hawaii*, affirming in part and vacating in part the district court's entry of a preliminary injunction against enforcement of Sections 2 and 6 of the Executive Order. See *Hawaii v. Trump*, No. 17-15589, 2017 WL 2529640 (9th Cir. June 12, 2017). The Ninth Circuit overturned certain portions of the injunction involving internal-review procedures, but it upheld the remainder based on statutory grounds. Accordingly, the parties' joint status report is currently due on June 22, 2017.

5. On May 25, 2017, the Fourth Circuit issued a decision in *International Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017) (en banc), affirming a preliminary injunction against enforcement of Section 2(c) of the Executive Order on Establishment Clause grounds.

6. Defendants have sought Supreme Court review of the courts of appeals decisions in both *Hawaii* and *IRAP*. In particular, Defendants have asked the Supreme Court to grant certiorari in both cases so that they may be considered together and to stay the preliminary injunctions in both cases pending disposition of the petitions for writ of certiorari and any further proceedings in the Supreme Court. *See Hawaii*, No. 16A-1191 (filed June 1, 2017); *IRAP*, No. 16-1436 (filed June 1, 2017); *IRAP*, No. 16A-1190 (filed June 1, 2017). Defendants also requested expedited briefing on and consideration of their petitions for writ of certiorari so that the petitions could be considered before the Supreme Court adjourns for the summer and, if the Supreme Court grants review, merits briefing could be completed by the beginning of next Term. Pursuant to the schedules set by the Supreme Court, the certiorari petitions and stay applications were fully briefed on June 21, 2017.

7. To permit the parties to benefit from any decision(s) by the Supreme Court on the certiorari petitions and stay applications in *Hawaii* and *IRAP* before filing a joint status report on the continued appropriateness of the stay in this case, the parties stipulate and agree to an extension of time for submission of their joint status report. The parties shall file a joint status report on the continued appropriateness of the stay by July 14, 2017.

Accordingly, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, subject to the Court's approval, that:

A. The parties shall file a joint status report on the continued appropriateness of the stay in this case by July 14, 2017.

DATED this 22nd day of June, 2017.

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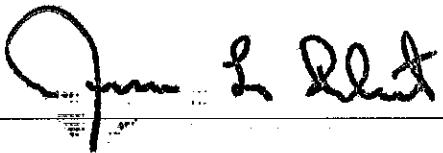
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12 *Attorney for Plaintiffs*

13 **ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15  
16  
17 Dated June 23, 2017

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19 JAMES L. ROBART  
20 United States District Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 22, 2017, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 22nd day of June, 2017.

/s/ Michelle R. Bennett  
MICHELLE R. BENNETT

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